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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/494,401

01/31/2000

Christopher J. Buse

922-81

3358

7590

10/31/2003

Nixon & Vanderhyde PC
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EXAMINER

JAROENCHONWANIT, BUNJOB

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 10/31/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/494,401

Applicant(s)

BUSE ET AL.

Examiner

Bunjob Jaroenchonwanit

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/02/03 has been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamalanathan (US. 5,978,373) and Applicant Admitted Prior Art (AAPA) and Comer, "Internetworking with TCP/IP"
4. Claims 1, 7 and 11, Kamalanathan discloses the invention substantially, as claimed, including a method of allocation protocol address to a device connected to a communication network, comprising:

placing on or broadcast the network an interrogation in the form of a first control frame from a proxy, said proxy being separate from said device (DMIAdmin broadcast discovery packet from administrator device, which is located separately from the client devices, the administrator device is considered as a claimed proxy, in light of claimed physical location and functionality, abstract, Fig. 1);

receiving at the proxy a response from said device in the form of a second control frame which defines a protocol address for said device (the administrator received reply packets, which included MAC address, name and IP address from each the devices, abstract).

Kamalanathan does not explicitly disclose defining invalid Internet protocol in a control frame and responding to the invalid IP address allocating IP address. However, applicant admitted that defining invalid Internet Protocol Address "0.0.0.0" and dynamic host configuration protocol was conventional (spec. page 3, lines 24-25). AAPA admission further confirmed by Comer's teaching in the BOOTP section (page 369, paragraph 4), Comer, further, teaches that in response to invalid IP protocol, from client, the server return allocated an IP address to client (Comer, page 69, paragraph. 4).

Thus, it would have obvious to one of ordinary skill in the art at the time of the invention was made to incorporate Invalid IP address as admitted by the applicant and suggested in Comer with Kamalanathan system. Because combining them would enable a system to distinguish, whether an IP address allocation is required for its clients and selectively allocation an IP address to the only client that needed an IP address. Thus, the system could preserve IP address, could minimize processing time and could improve efficiency of address allocation.

5. Claims 2-6, 8-10 and 12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamalanathan-AAPA-Comer, as applied to their independent claims, and further in view of Ford (US 6,101,499).

6. As to claims 2, 5, 8 and 10, Kamalanathan-AAPA-Comer discloses the invention substantially, as claimed, as described in claims 1, 7 and 9, but silent to testing conflicting IP address. However, allocating address and testing network address was known and used in various applications in the networking art. Including, the suggested one in an analogous art, Ford, which includes automatically assign IP address, manual assign IP address to and Dynamic configuration IP address for network device. Furthermore, Ford's teaching includes, conflicting

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address validation and reassigning a new address to the device, i.e., determining whether the network address assigned to a device is invalid (Col. 2, lines 27-42; Col. 3, lines 13-46; Col. 8, lines 29-49; Col. 9, line 35-Col. 10, line 40).

Thus, it would have obvious to one of ordinary skill in the art at the time of the invention was made to incorporate Ford's notion of validation and allocation addresses with Kamalanathan-AAPA-Comer's system. Because combining them, one could achieve a system that highly efficiency in dealing with address allocation, capable of improving performance by preventing communications stalemate, which caused from conflicting-addresses.

7. Claims 3, 9 and 12, AAPA-Comer-Ford, discloses obtaining a protocol address for said device by means of a request addressed according to a dynamic host communication protocol (AAPA, DHCP was prior art, specification page 1, line 20; Ford - Col. 2, lines 28-39).

8. Claims 4 and 6, Kamalanathan-Ford discloses the invention substantially, as claimed, as discussed in claim 3 and 5, but does not explicitly suggest address allocation must perform in order of steps (a), (b) and (c) until the protocol address is obtained.

As discussed above, all address allocation steps have been taught by Ford (see claim 2), the purpose of employing these steps is for assigning valid network address to network device. No matter, which order the allocation steps are being performed, one would achieve the same result, i.e., assigning valid network address to network devices. Thus, ordering steps it merely a matter of design choice, which depends on desirable circumstance.

9. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

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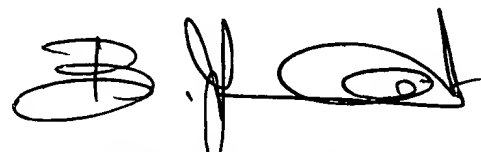
10. Examiner noted that the only potential novelty of the invention is the op-code in figure 2, which must be specifically claimed, perhaps can advance prosecution.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bunjob Jaroenchonwanit whose telephone number is (703) 305-9673. The examiner can normally be reached on 8:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.

/bj
October 27, 2003



BUNJOB JAROENCHONWANIT
PRIMARY EXAMINER